

VZCZCXYZ0017
PP RUEHWEB

DE RUEHBO #6746/01 2601530
ZNR UUUUU ZZH
P 171530Z SEP 07
FM AMEMBASSY BOGOTA
TO RUEHC/SECSTATE WASHDC PRIORITY 8837
INFO RUEHBR/AMEMBASSY BRASILIA PRIORITY 7750
RUEHCV/AMEMBASSY CARACAS PRIORITY 9315
RUEHLP/AMEMBASSY LA PAZ SEP 8918
RUEHPE/AMEMBASSY LIMA PRIORITY 5400
RUEHZP/AMEMBASSY PANAMA PRIORITY 0636
RUEHQT/AMEMBASSY QUITO PRIORITY 6002
RUEHGL/AMCONSUL GUAYAQUIL PRIORITY 4069
RUEAWJC/DEPT OF JUSTICE WASHDC PRIORITY

UNCLAS BOGOTA 006746

SIPDIS

SIPDIS

E.O. 12958: N/A

TAGS: [ELAB](#) [PGOV](#) [PHUM](#) [PTER](#) [KJUS](#) [CO](#)

SUBJECT: COLOMBIA: TRACKING CONVICTIONS IN LABOR VIOLENCE
CASES

SUMMARY

¶1. The Prosecutor General's Office (Fiscalia) created a special sub-unit in October 2006 to focus on prosecuting "priority" cases of violence against trade unionists. Working with the three main labor confederations, the Fiscalia identified 204 "priority" cases and pledged to prosecute the perpetrators within three years. Since its creation, the sub-unit has successfully prosecuted seven cases, dismissed two others and transferred another to the military justice system. The sub-unit also removed four cases due to duplication and discovered that 13 others had already been prosecuted. The sub-unit currently has 177 cases remaining on its priority list. The 20 cases resolved to date have resulted in 37 convictions. END SUMMARY.

FOCUSING ON PRIORITY CASES

¶2. On June 1, 2006, the International Labor Organization (ILO) brokered a tripartite agreement among the GOC, Colombian labor leaders and private sector representatives. The agreement included several objectives, including improving the investigation and prosecution of violence against unionists. (NOTE: As part of ILO case 1787, the ILO tracks alleged violence against unionists. Case 1787 currently contains 1300 cases.) On July 4, 2006, the Colombian Prosecutor General, the Ministry of Social Protection (MSP), the president of the National Association of Colombian Industry (ANDI), and the presidents of the three main labor confederations discussed ways to improve the prosecution of labor violence cases.

¶3. The representatives agreed: (1) the Fiscalia would form a special sub-unit within its Human Rights Unit to prosecute cases of violence against unionists; (2) the tripartite commission, along with the new sub-unit, would develop a plan to obtain clear and effective results; (3) the Fiscalia would work with the labor unions and the MSP in investigations; (4) the three labor confederations would provide the Fiscalia with their criteria for prioritizing cases; (5) based on that criteria, the Fiscalia would identify a number of "priority" cases that would be handled by the sub-unit and would be prosecuted within three years; and (6) the Fiscalia would continue to prosecute other labor cases through its regional offices.

ENSURING CASE NUMBERS ARE ON TRACK

¶4. Working with the three main labor federations, the Fiscalía and the MSP identified 204 "priority" cases--involving 225 victims--that the special sub-unit would investigate and prosecute. Since its creation last October, the sub-unit has successfully prosecuted seven cases, dismissed two others, and transferred another to the military justice system. The Fiscalía also corrected the list, eliminating four cases that were duplicative and 13 that had previously been successfully prosecuted. The sub-unit currently has 177 cases remaining on its priority list. The 20 cases prosecuted to date have resulted in 37 convictions.

PROGRESS SLOW BUT CONTINUING

¶5. Of the 177 remaining priority cases, the Fiscalía has filed formal charges in 17 with another 149 under active investigation. The remainder are largely "cold cases" that will be difficult to investigate. In addition, while Colombia is transitioning to a more efficient oral, accusatory criminal justice system, most of the cases fall under the old, inquisitorial system. Of the cases on the Fiscalía's priority list, 27 will be prosecuted under the new system.

¶6. Labor confederations have identified an additional 134 victims for which the Fiscalía has no case information.

These 134 names may be added to the priority list if the unions provide the Fiscalía with sufficient information to open a criminal investigation. Fiscalía Human Rights Unit Director Sandra Castro will meet with the confederations in the next few weeks to clarify and obtain agreement on possible additional cases. She said the unit will not accept any new "priority" cases beyond the 134 pending.

¶7. Prosecutors in the labor sub-unit told us it is difficult to make progress in many of the cases currently under investigation and the 134 potential other cases, since they only have a victim's name, with no other information about the crime. In many cases, no crime report was ever filed with the police, leaving the prosecutors with little or no evidence. To address these concerns, the MSP will meet with the Vice President's office, the Fiscalía, local unionists, and the main labor confederations in nine cities across the country starting in October. The meetings will review the priority list and collect information on crimes for which the Fiscalía is lacking police reports.

¶8. Table 1 below shows the disposition of cases in the Fiscalía's "priority" list. Post will track progress on the list as prosecutions continue, and new cases are added.

TABLE 1: TRACKING LABOR CASES

FISCALIA PRIORITY CASE LIST	
ORIGINAL CASE- LOAD	204
CASES PROSECUTED BEFORE NEW UNIT CREATED	13

CASES PROSECUTED BY NEW UNIT	7
CASES TRANSFERRED TO MILITARY JUSTICE	1
CASES DISMISSED	2
CASES REMOVED DUE TO REDUNDANCY	4
TOTAL NO. OF ACTIVE CASES REMAINING	177

Brownfield